

DEPT OF COMMERCE
PATENT AND TRADEMARK
OFFICE/ PTO
2121 CRYSTAL DRIVE
ARLINGTON, VA 22202



Fax

To:	LINDA ANDREWS	From:	EXAMINER AN
Fax:	202 - 672 - 5399	Pages:	3
Phone:	310 - 975 - 7829	Dates:	12 / 5 / 01
re:	Advisory Action	CC:	FOLEY & LARDNER

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

● Comments:

Advisory ActionApplication No.
08/962,315Applicant(s)
Gregory HouseExaminer
First LastArt Unit
1234

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Oct 15, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires five months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: see proposed amendment to claims 2-3 and 5-10.

4. ☐ Applicant's reply has overcome the following rejection(s):

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached RESPONSE to REMARKS.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 2, 3, and 5-10
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. ☐ Other:

Art Unit: 2613

Response to Reconsideration

1. Applicant's argument filed 10/02/00 as Paper 9 have been fully considered but they are not persuasive. The Applicant presents argument of which Subbarao's use of different apertures is not what is meant by "cameras... having different resolutions" in the context of the present invention. After careful scrutiny of Subbarao reference, the Examiner must respectfully disagree, and maintain the grounds of rejection for the reasons that follow.

The Examiner concurs the Applicant's notion that Subbarao's use of different apertures are for determining distance by checking the difference in focus between sub-images formed by two cameras along the same optical axis. However, the Examiner contends that different apertures are also directly related to resolution, in addition to the use of different apertures for determining distance. Furthermore, in order to support for an idea of different apertures being related to resolution, the following references are listed: Mammone (5,835,265) (see, Col. 2, lines 15-17); Stone (5,477,332) (see, Col. 9, lines 10-13); and Rabii (5,045,929) (see, Col. 14, lines 31-33). Even though Subbarao does not specifically disclose the different apertures being related to different resolution, it is clearly established in a camera art that the aperture is directly related to the resolution. Therefore, because the plural cameras in Subbarao have different apertures and different apertures are directly related to the camera resolution, Subbarao's plural camera having different resolution meets the recited claim as claimed.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number is (703) 305-0099.


ssa

December 5, 2001